

1 BRIAN J. STRETCH (CABN 163973)  
United States Attorney

2 BARBARA J. VALLIERE (DCBN 439353)  
3 Chief, Criminal Division

4 MICHAEL MAFFEI (CABN 240978)  
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055  
6 San Francisco, California 94102-3495  
7 Telephone: (415) 436-7246  
8 FAX: (415) 436-7027  
michael.maffei@usdoj.gov

Attorneys for United States of America

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION  
12

13 UNITED STATES OF AMERICA,	)	Case No. CR 15-00409 WHA
	)	
14 Plaintiff,	)	STIPULATION AND <del>PROPOSED</del> ORDER
	)	REGARDING RESTITUTION, AND REQUEST TO
15 v.	)	VACATE RESTITUTION HEARING
	)	
16 LESLEY JAMES MCNEAL,	)	
	)	
17 Defendant.	)	
	)	

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1 The United States of America and Lesley James McNeal (hereinafter “Defendant”), by and  
2 through the parties’ respective attorneys, Michael Maffei, Assistant United States Attorney, and Kenneth  
3 Wine, Attorney for Defendant, have entered into this Stipulation to set restitution in this matter. The  
4 terms of the Stipulation are as follows:

5 1. On March 15, 2016, Defendant pleaded guilty to Production of Child Pornography in  
6 violation of 18 U.S.C. § 2251(a) and Possession of Child Pornography in violation of 18 U.S.C. §  
7 2252(a)(4)(B). Defendant agreed to pay restitution to any victims of his crimes.

8 2. On June 21, 2016, the Court held a sentencing hearing and sentenced Defendant to 210  
9 months’ imprisonment. The Court ordered Defendant to pay restitution to three victims in the amount of  
10 \$2,500 per victim, with an additional amount to be determined for the victims who recently submitted  
11 claims for restitution. The Court set a restitution hearing for September 20, 2016, which would be  
12 vacated if the parties submitted a stipulation and proposed order regarding the remaining restitution.

13 3. Attorney Tanya Hankins represents the victims John Does I-V in the “8Kids” child  
14 pornography series. On behalf of those victims, she has agreed to withdraw her request for restitution.

15 4. Attorney Hasti Barahmand represents the victim “Jane” in the “Cinder Block Blue” child  
16 pornography series. On behalf of that victim, she has agreed to an amount of restitution of \$2,500.  
17 Defendant agrees to pay this amount of restitution.

18 5. Edwin Rosas, the father of “Minor 1,” the named victim in Count One, will not be  
19 submitting a claim for restitution in this case.

20 6. The government supports these agreements regarding the resolution of the restitution  
21 requests.

22 7. The amount of restitution comports with Defendant’s role in the causal process, is suited  
23 to the size of that role, the amount is not a nominal amount, and is reasonable and substantial enough to  
24 impress upon Defendant that child pornography offenses affect real victims.

25 8. Defendant agrees that restitution payments shall be made to the Clerk of Court, United  
26 States District Court, Northern District of California, Box 36060, San Francisco, California, who shall  
27 make payment to The Marsh Law Firm PLLC, ATTN: Jane, PO Box 4668 #65135, New York, NY  
28 10163-4668, the respective trust account of counsel for the victim “Jane.”

9. Defendant agrees that he will notify the Clerk of Court and the United States Attorney's Office, Financial Litigation Unit, 450 Golden Gate Avenue, San Francisco, California, 94102, within (A) thirty (30) days of any change of name, residence, or mailing address; and (B) any material change in economic circumstances that affects the ability to pay restitution.

10. The parties agree that no delinquent or default penalties will be imposed except upon Order of the Court.

11. For the reasons and stipulations set forth herein, the parties agree and recommend that the Court order Defendant to pay restitution in the amount of \$2,500 to the victim "Jane" from the "Cinder Block Blue" child pornography series.

12. The parties stipulate that the Final Judgment issued in this case shall be amended to reflect victim "Jane" with a loss amount of \$2500 and to increase Defendant's owed Restitution amount to \$10,000. The parties further stipulate that this Restitution Order shall become part of the final Judgment in this case.

13. In light of this Stipulation and Order, the parties agree to request that the Court vacate the currently-scheduled Restitution hearing set for September 20, 2016.

SO STIPULATED.

DATED: August 30, 2016

Respectfully submitted,

BRIAN J. STRETCH  
United States Attorney

/s/  
MICHAEL MAFFEI  
Assistant United States Attorney

DATED: August 30, 2016

/s/  
KENNETH WINE  
Counsel for Defendant Leslev James McNeal


~~PROPOSED~~ ORDER

Pursuant to the Stipulation above, IT IS ORDERED THAT:

1. Defendant Lesley James McNeal shall pay \$2,500 in restitution to the victim "Jane" from the "Cinder Block Blue" child pornography series;
2. The Final Judgment shall be amended to reflect victim "Jane" with a loss amount of \$2,500 and to increase Defendant's ordered restitution to \$10,000. Restitution shall be due immediately;
3. Restitution shall be due and payable within sixty days to the Clerk of Court, United States District Court, Box 36060, Northern District of California, San Francisco, California, payable to The Marsh Law Firm PLLC, ATTN: Jane, PO Box 4668 #65135, New York, NY 10163-4668, the respective trust account of counsel for the victim "Jane" of the child pornography series "Cinder Block Blue";
4. Defendant shall notify, within 30 days, the Clerk of Court and the United States Attorney's Office, Financial Litigation Unit, 450 Golden Gate Avenue, San Francisco, California 94102, of (A) any change of name, residence, or mailing address; and (B) any material change in economic circumstances that affects the ability to pay restitution;
5. No delinquent or default penalties will be imposed except upon Order of the Court;
6. The restitution hearing currently set for September 20, 2016 in this case shall be vacated in light of the Stipulation, and
7. This Order shall be deemed part of the Judgment entered in this case.

IT IS SO ORDERED.

DATED: September 2, 2016.

  
HON. WILLIAM ALSUP  
United States District Judge